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**NAVAL WAR COLLEGE
Newport, RI**

**Homeland Security, Homeland Defense and Clarifying Northern
Command's Maritime Security Role**

By

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A paper submitted to the faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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09 February 2004

Abstract

This paper seeks to explore the relationship between the Department of Defense's Homeland Defense role and the Department of Homeland Security's Homeland Security role. It compares the two at the policy level and reviews definitions, nomenclature and applicability, using the Maritime Homeland Security subset as the backdrop against which to examine issues. Additionally, it explores the relationship between NORTHCOM, the Joint Forces Maritime Component Commander and the Department of Homeland Security and the U.S. Coast Guard. It provides suggestions to resolve coordination and effort overlap issues and offers a notional Joint Operations framework to coordinate the future efforts of all levels of government as they carry out their responsibilities to provide both defense and security for the Homeland.

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Introduction:

The maritime borders of the United States are essentially unsecured. Consisting of 95,000 miles of shoreline, 3.4 million square miles of Exclusive Economic Zone (EEZ) and over 350 official ports of entry,¹ the U.S. coast and its approaches are vulnerable to exploitation by those wishing to harm the economy, critical infrastructure, safety or security of the United States. Maintaining a reasonable level of security for this vast and complex area while still facilitating the free flow of commerce, freedom of navigation and the unfettered use of this natural resource by the community at large is a daunting task and will require close coordination by all the elements of Department of Defense (DOD), Department of Homeland Security (DHS), and other federal, state and local agencies. The DOD has specifically noted this in their Report to Congress on their role in supporting Homeland Security:

“Coordination with authorities at all appropriate levels will be key to achieving both our homeland defense and our civil support objectives. In the intergovernmental community at the federal, state and local levels, DoD continues to develop close and collaborative relationships to ensure that the Department’s efforts, when appropriate, support and reinforce civilian contingency plans and resources.”²

In its coordination efforts, how can the Department of Defense, through the United States Northern Command (NORTHCOM) Combatant Commander and his Joint Forces Maritime Component Commander (JFMCC), guard against and mitigate the negative impact of organizational and functional seams, friction points, overlaps and gaps with the Department of Homeland Security (DHS) and the United States Coast Guard (USCG) in response to the maritime terrorist threat? I will examine this close coordination in the arena of maritime homeland security to identify and discuss organizational and functional similarities and differences, and provide recommendations to help resolve issues identified.

Defining the Mission:

A potential friction point becomes apparent even at the most elementary level of defining the DOD/NORTHCOM's mission because there are two similar sounding concepts that have mutually supporting roles, but different practical applications; Homeland Security (HLS) and Homeland Defense (HLD). The *National Strategy for Homeland Security* defines Homeland Security as, "...a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism and minimize the damage and recover from attacks that do occur."³ These strategic objectives set the tone for subordinate echelons of government and are incorporated into the very fabric of their individual organizational objectives. The *National Strategy for Homeland Security* also seeks to mobilize the entire Nation in this effort and emphasizes the need for flexibility at all levels of government. DOD defines its role in supporting Homeland Security as, "(1) homeland defense, the military protection of United States territory, domestic population and critical defense infrastructure and assets from external threats and aggression; and (2) civil support, support to U.S. civil authorities for domestic emergencies and for designated law enforcement and other activities."⁴ This however, is an evolving definition that recognizes in the long term and short term, a need for some level of consistent preparation. In the draft versions of both the DOD Homeland Security Joint Operating Concept, looking 15-20 years out and the Joint Doctrine for Homeland Security (JP 3-26 2nd draft), addressing current and near term issues, the concept of Emergency Preparedness is added. Emergency Preparedness (EP) is defined as, "Those planning activities undertaken to ensure DOD processes, procedures and resources are in place to support the President and Secretary of Defense in a designated National Security Emergency,"⁵ and is considered a subset of overall

preparedness, but clearly has Homeland Security implications. HLD, is therefore a subset of the DOD's support of HLS along with Civil Support (CS) and EP. Figure 1. shows the conceptual relationship between HLS, HLD, CS and EP.



Figure-1

In an environment where the entire Nation's assets are to be mobilized for a flexible, proactive and in some cases pre-emptive response to terrorist threats, clearly establishing the difference between Homeland Security and Homeland Defense and developing an adaptive and flexible matrix of potential Courses of Action (COA), such as when to use civilian law enforcement capabilities and when to use military capabilities, becomes critical to the overall success of our efforts. Similar nomenclature can be confusing and detracts from our ability to clearly know when forces are operating in a HLS or HLD mode. The line between HLS and HLD, while doctrinally defined is unintentionally blurred and hard to express in layman's terms because, in my opinion, our potential adversary's actions will not fit neatly in one definition or the other. Short of an overt act by the forces of another nation, which would trigger a HLD response, most enemies of this country will try to be surreptitious. Any attack will likely begin with a law enforcement/civilian security response where another

agency, such as DHS, USCG in Law Enforcement (LE) mode or the Federal Bureau of Investigations (FBI), will be the Lead Federal Agency (LFA). Switching from LE response mode to military response mode must be quick and efficient. Military forces must also understand and work within the limitations placed on them by the Posse Comitatus Act (PCA), which prohibits direct use of the military for domestic LE and is a driving factor for distinguishing between HLS (civil LE) and HLD (military operations).

Adding to the potential for confusion is the concurrent responsibility (Figure 2) to support homeland security that NORTHCOM and Pacific Command (PACOM) have within their respective areas of responsibility (AOR).

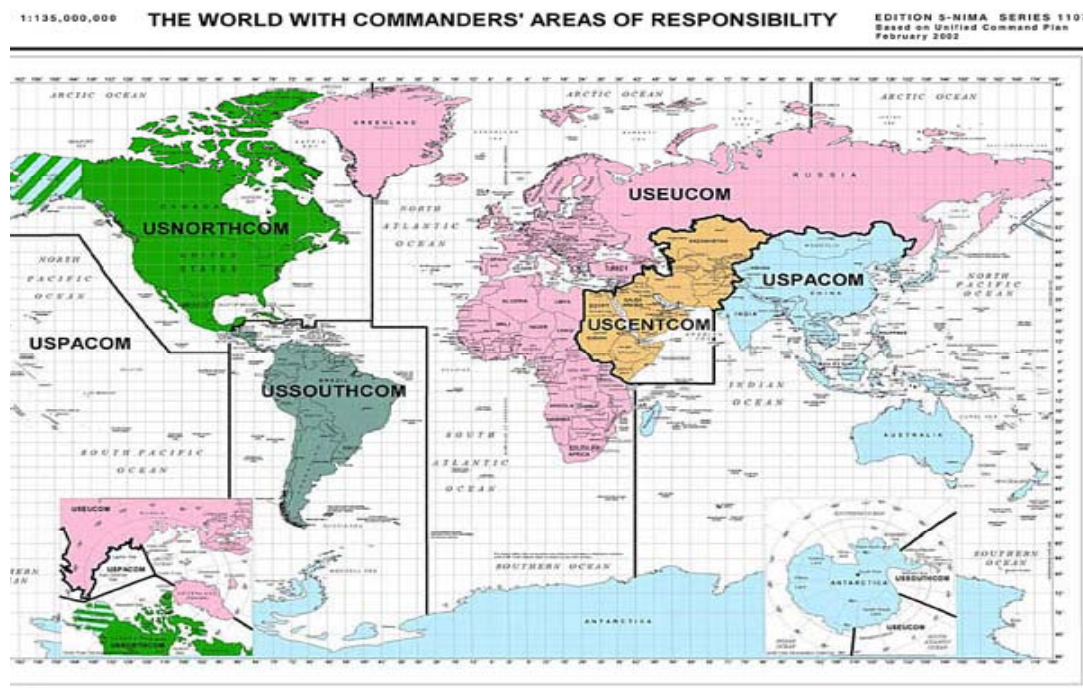


Figure-2

The blurring of the line of responsibility associated with merged control of Alaska, where NORTHCOM has homeland defense responsibility for the land mass of Alaska, but the forces assigned there are under PACOM, is hard to accept if the goal is to have a sleek,

streamlined organization...who do you call with a HLD threat tipper against Defense Critical Infrastructure (DCI) involving a waterfront facility and associated ships in port in Alaska?

Though there is much focus on NORTHCOM and their multi-faceted (i.e., HLD, CS, EP) HLS support role, PACOM also has domestic HLS support responsibilities for Hawaii and U.S. Territories in the Pacific.⁶ For ease of discussion, I will primarily use NORTHCOM as the organizational example, but it can be inferred that the same issues, concepts and specific points can be applied to PACOM unless there is a specific difference noted.

In summary, the DOD supports Homeland Security through the overlapping mission sets of, Homeland Defense (HLD)—the use of military forces against an external attack; Civil Support (CS)—the use of military forces in a civilian support role; and some component of Emergency Preparedness (EP)—the planning activities to ensure DOD assets and capabilities are available to respond to a National Security Emergency. All of these elements neatly fold into the DOD's support of the larger National Homeland Security Strategy.

Recommendations:

- As we all become familiar with the “new normalcy” of terrorism alert levels, increased domestic vigilance and concepts like HLS and HLD, all levels of government need to clarify their operating assumptions and perceived responsibilities to ensure they match the overarching national strategy. Through joint exercises and other training, the DOD (and at the regional level NORTHCOM) must ensure military forces understand their role and develop complementary organizational relationships with other agencies to align expectations.

- Concurrent responsibility for the security of the landmass of Alaska (NORTHCOM) and security of the forces stationed in Alaska (PACOM) is confusing to those not familiar with the specific delineations of responsibility. As NORTHCOM matures, this issue deserves a second look. For unity of command and alignment with the rest of the continental United States, NORTHCOM should have responsibility for both the landmass and the forces stationed in Alaska.

Maritime Defensive Layers:

With a better understanding of HLS and HLD, we can progress towards the more finely focused arena of Maritime Homeland Security (M-HLS) and Maritime Homeland Defense (M-HLD). NORTHCOM has both M-HLS and M-HLD responsibilities. For M-HLS NORTHCOM supports the USCG in its Lead Federal Agency (LFA) role for M-HLS. For M-HLD, NORTHCOM's mission is to, "...conduct operations to deter, prevent and defeat maritime national security threats and foreign aggression aimed at the US, its territories and interests,"⁷ and the DOD would be the LFA for military operations. USNAVNORTH, Commander, Atlantic Fleet (CLF), as the JFMCC is responsible for executing maritime operations for M-HLD. Using a conceptual layered, defense in depth model, NORTHCOM has defined three areas or "layers" to operate in; the Forward Region; the Homeland; and the layer in between called the Approaches.⁸

The Forward Region:

In the Forward Region military power would be projected to foreign lands, airspace or the seas outside the Homeland. The goal of this projection would be to detect, deter and prevent threats to the Homeland through Major Combat Operations, Stability Operations, Strategic Deterrence and Preemptive Attack (when actionable intelligence is available).⁹ In

this conceptual layer, the Regional Combatant Commander (RCC) would likely be the supported command, exercising established military supported and supporting command relationships with all appropriate services, commands, and agencies contributing to a Joint operation. Other elements of the federal government would provide support and niche capabilities as needed to enhance combat or other operations. The RCC would combine all the capabilities available to engage emerging threats as far from the Homeland as possible and create an overwhelming first layer of Homeland defense.¹⁰

For military maritime operations in this conceptual layer, under the general M-HLD umbrella, the JFMCC would coordinate the employment naval assets to carry out traditional DOD military maritime missions, such as strike warfare, control of sea lines of communication, destruction of enemy naval forces, etc. The USCG Atlantic (Pacific) Area Commander could provide forces as a supporting command to the JFMCC. When conducting Title 10 military operations, the USCG falls under the Unified Command system but retains its Title 14 LE capabilities giving the RCC an added dimension in his Range of Military Operations (ROMO). While the USCG does not possess devastating offensive combat power, it can provide several service specific capabilities the RCC should consider as he develops friendly COAs. The USCG can provide port and coastal theater force protection through specialty Port Security Units (PSUs). These self-supporting, deployable units are capable of maintaining a secure harbor facility through the use of fast, armed Raider boats and can operate with USCG Patrol Boats to control vessel traffic in a given region. Additionally, USCG Cutters (service vernacular for naval warship) can effectively serve as Maritime Interception Operations (MIO) Coordinator, bringing organic Command and Control and boarding expertise to the theater. When considering Theater Security

Cooperation (TSC), the RCC/JFMCC should consider that the typical USCG cutter provides a less provocative presence than a larger gray hull and may facilitate military to military exchanges on a level that provides some level of cover for a foreign government that wishes to cooperate with the United States but has domestic concerns that require something less overt than a full scale exercise or official port visit by a capital ship. As a general statement, the interaction between the RCC and USCG in this layer is fairly limited and well defined along traditional unity of command for Joint Operations lines.

The USCG providing direct support for combat operations in the Forward Region is a subject of ongoing debate. Some, including Secretary of Defense Rumsfeld,¹¹ argue that the force protection, military control of shipping, MIO, and TSC capabilities currently provided by the USCG can and should be developed organically within the DOD. The concern is that funding, manning, and training for these capabilities take away from Homeland Security operations closer to home. I contend that in addition to providing the RCC with service unique capabilities (such as Title 14 LE authorities), which broaden his ROMO, developing and exercising these capabilities provides the USCG with a breath of experience not otherwise available, which can directly be translated to security operations in U.S. ports. PSUs, Patrol Boats, Cutters and newly commissioned Maritime Safety and Security Teams (MSSTs) have been providing high profile security for sensitive ports, such as Military Load-out Terminals and Guantanamo Bay since 9/11. The expansion of existing capabilities (larger PSUs, new patrol boats coming on line, etc.) and creation of new units (MSSTs), along with an increase in overall billet strength, will allow the USCG to continue meeting both their domestic and expeditionary requirements. There is value added to both the RCC/JFMCC and the USCG and both benefit from the experience.

Recommendation:

- The USCG should continue to develop, enhance and maintain their forward deployment capabilities (PSU self-sufficiency, underway replenishment capable ships, deployable MSSTs, ship transportable patrol boats, etc.). The Deepwater Acquisition Project to modernize the USCG fleet of ships and aircraft will go a long way in mitigating some of the current limitations USCG assets have when operating in the Forward Region (speed, sustainability, limited self-defense, no air defense, limited communications) and will ensure USCG relevance in this region for the foreseeable future. The valuable experience gained by forward deploying USCG units and having them operate within the JFMCC structure is worth the investment because the USCG gains invaluable experience as well as providing the RCC with unique capabilities not presently available elsewhere. Continued interoperability between DOD and USCG forces also contributes to each organization's ability to seamlessly operate together, which has a positive impact on operations in all conceptual maritime defense layers.

The Homeland:

The Homeland as defined in NORTHCOM's Concept of Operations, "...is a physical region that includes the landmasses of continental U.S. (CONUS), Alaska, and Hawaii; U.S. territories and possessions in the Caribbean Sea and Pacific Ocean; and the immediate surrounding sovereign water and airspace."¹² It is in this layer that close coordination and interaction between NORTHCOM and federal, state and local agencies would be at its most complex and becomes most critical because of PCA limitations. Additionally, because of the close proximity to the Homeland and shortened reaction time associated with picking up a

threat in this layer, patrol assets must be ready to quickly interdict a suspect vessel in either M-HLS or M-HLD mode and must have the authority to take action as the situation calls for it. In order to help stay within the limits of the PCA and still give NORTHCOM the flexibility it needs to operate effectively in the Homeland layer, the USCG Maritime Strategy for Homeland Security outlines three general circumstances under which the DOD would conduct domestic operations.¹³ Generally, these circumstances are; temporary, limited-scope missions in which other agencies have the lead, such as special event security, training of first responders and general LE support; emergency circumstances in the wake of an attack or other natural disaster; and the extraordinary circumstance of actively defending the Homeland as the LFA in a M-HLD role.¹⁴ While acting in a support role NORTHCOM would operate within the limits of PCA, but once the situation shifted to a M-HLD mission the PCA would not apply because the mission is military defense against an external aggressor and not a civil LE mission. In this layer, the PCA is a real issue because it is in the Homeland that direct interaction between the U.S. citizenry and DOD is most likely and where the balance between a free but secure society and a police state must be struck.

The Homeland layer is also vulnerable because currently the ability to develop and maintain Maritime Domain Awareness (MDA), in the Approach and Homeland layers does not exist. MDA as defined in the USCG Maritime Strategy for Homeland Security, "...is comprehensive information, intelligence, and knowledge of all relevant entities within the U.S. Maritime Domain—and their respective activities—that could affect America's security, safety, economy, or environment."¹⁵ While new assets and capabilities are being shepherded through the acquisition process (i.e., long range surveillance UAVs, national security cutters through USCG's Deepwater program, etc.), the maritime domain remains substantially

unmonitored. In the short term, as MDA comes on line, the DOD/NORTHCOM and the DHS/USCG have to look for ways to help mitigate the vulnerability created by this gap in the port and near coastal approaches regions of high traffic, high vulnerability ports, such as Norfolk, Wilmington, and Jacksonville.

Recommendations:

- NORTHCOM and civil authorities should develop a Joint Operations Command Center (JOCC) for the Homeland layer to coordinate use of national assets during routine surveillance and patrol periods and to focus effort on specific threats when intelligence or circumstances warrant. Joint Interagency Task Force South (JIATF SOUTH—formerly known as JIATF EAST until moved under SOUTHCOM) provides a useful model for interagency coordination. They currently employ DOD, USCG and other federal LE assets in a joint environment within the limitations of the PCA, yet remain effective in their counter-drug mission which is clearly civilian law enforcement.
- A JOCC for M-HLS can, in conjunction with dedicated inshore and near shore patrolling, develop a regional surveillance presence. Short fuse development of information transparency, a sharing of all relevant databases and intelligence products, can greatly increase the knowledge of baseline activity in a given port or region of the coast. Installation of off the shelf technologies already in place in the USCG Vessel Traffic Systems (VTS) in New York, Houston and Prince William Sound, and selective use of newly created USCG MSST, NORTHCOM can establish patterns of normal maritime behavior and develop something akin to localized MDA.

As a stopgap measure, this approach is both feasible and sustainable until the concept of total MDA can move from theory to reality.

The Approaches:

The “Approaches” is a conceptual region between the Forward Region and the Homeland and is based on situation specific intelligence,¹⁶ i.e., a known threat is en route to the Homeland. Thought of another way, this is the “transit zone” between the country of origin and the shores of the U.S., but instead of smuggling drugs, terrorists or other aggressive forces are using the ocean or air as a threat conveyance. In this conceptual layer the JFMCC would focus on surveillance, reconnaissance, and interdiction of surface and/or sub-surface threat vessels. The level of interaction and coordination between the DOD, NORTHCOM, DHS, the USCG and other federal agencies would greatly increase in this layer.

In addition to joint awareness of all forces operating in a given area of ocean, development of MDA in this layer is critical to successful interdiction of the threat. This concept is still in the formative stages but would require close cooperation between USCG, DOD and other federal assets to become truly effective. It envisions a fused picture of the Maritime Domain with National assets (such as satellites), persistent mid-ocean surveillance assets (such as long-range UAVs), Exclusive Economic Zone (EEZ—U.S. baseline out to 200nm) and near coastal surveillance assets (such as Maritime Patrol Aircraft (MPA)—could be both DOD and USCG aircraft), all operating together to detect and monitor the progress of known or potential threat vessel. Additionally, it seeks to detect previously unknown threat vessels by establishing baseline behaviors in the various ocean regions (i.e., high seas, EEZ, shipping lanes, fishing grounds, etc.) and keying on abnormal or suspicious behavior such as

loitering, rendezvous at sea, running at high speeds, not using lights at night, and similar activity inconsistent with prudent navigation. The ability to sort through the thousands of vessels plying the world's oceans and deciding which are potential threats and which are legitimate vessels is currently only a concept. Development of this capability will help close the gap between conceptual full spectrum MDA and current limitations of reconnaissance, intelligence and detection ability.

The USCG, as the LFA for M-HLS, has its own multi-layered HLS scheme (Layered Maritime Security Operations for Defense in Depth--outlined in the USCG Maritime Strategy for Homeland Security) which seeks to establish MDA from the mid-ocean region, through the EEZ, to the maritime approaches and the coastal, harbor and port zone. While conducting traditional USCG missions in these areas, such as drug interdiction, migrant interdiction and high seas drift net fisheries enforcement, USCG cutters and aircraft would be diverted to interdict any identified terrorist threat vessels or other suspicious vessels once cued by MDA surveillance assets or intelligence.¹⁷ Currently, USCG operations and those of NORTHCOM are not coordinated to any great degree, leaving both organizations open to costly duplication of effort.

Once a suspicious vessel is detected, aircraft or intercept ships can interdict the vessel and take appropriate action. Defining appropriate action is problematic unless there is actionable intelligence, which unambiguously supports taking destructive military action against the vessel (i.e., M-HLD). In such an extraordinary case the DOD would likely be the LFA, where the requirement exists to use "...DOD-unique capabilities to execute traditional military missions or combat operations, such as combat air patrols, maritime defense operations or explosive ordinance disposal, within our borders. In these circumstances, DOD

would take the lead in defending people on the territory of our country.”¹⁸ USCG cutters acting in this capacity would similarly be acting as a supporting unit in DOD’s HLD mission and operate under the appropriate JFMCC. Absent the clear designation of a vessel as hostile and the U.S. exercising its inherent right to self defense against a known threat, international law places some restrictions on what can be done to foreign flagged vessels on the high seas. In situations short of destructive military action being appropriate, the line between M-HLD and civil M-HLS begins to be crossed and LE and intelligence gathering, rather than vessel destruction, need to be taken into consideration.

DOD assets on routine MDA patrol would have to be ready to quickly shift TACON to USCG control if confronted with a short fuse M-HLS event. Conversely, USCG assets would have to be ready to quickly shift TACON to NORTHCOM’s JFMCC in the event of a M-HLD situation. Currently, there is no real protocol for this shifting of TACON. Each organization’s (DOD/NORTHCOM’s and DHS/USCG’s) assets operate independently and through different chains of command. Developing a rapid reaction protocol for shifting TACON is a key step to quickly shifting mission emphasis in this challenging and fluid threat environment.

Recommendations:

- In order to avoid costly duplication of effort, security and LE activities must be fused with those of NORTHCOM through a Joint Operations Command Center (JOCC) to be deconflicted.
- Both the USCG Maritime Strategy for Homeland Security and USNORTHCOM Concept of Operations discuss the need for a layered maritime defense with regard to M-HLS/D. However, while both share a similar concept, the schemes used to achieve

the layers are different. They have different names, different boundaries, and focus resources in different ways. Aligning these schemes, through similar nomenclature and region designation would help remove confusion and ensure unity of effort.

- Operating jointly in a large open ocean environment where the RCC and JFMCC are acting in a supporting role for M-HLS but can swiftly change to a military action M-HLD role will require a robust and interoperable joint interagency operations command framework. Luckily, we have a good model in place to use as a skeleton for larger scale Approach layer efforts. JIATF SOUTH has been conducting counter drug operations in the SOUTHCOM AOR and the waters off the southern tier of the United States since 1989 (JIATF WEST conducts similar operations in the eastern Pacific). This joint interagency operation successfully integrates DOD, USCG, U.S. Customs Service (USCS), Drug Enforcement Administration (DEA), FBI and a host of other federal, state and local agencies in a unified effort to stem the flow of illegal drugs into the United States. Their JOCC, "...coordinates the employment of USN and USCG ships and aircraft, USAF and USCS aircraft, and aircraft and ships from allied nations and law enforcement agencies – a complete integration of sophisticated multi-agency forces committed to the cause of interdicting the flow of illicit drugs."¹⁹ DOD air and surface assets with an embarked USCG Law Enforcement Detachment (LEDET) are used in the detection and monitoring phase and identify and track potential smugglers. Once a vessel is identified as a boarding candidate, Tactical Control (TACON) of the USN unit is shifted to the appropriate USCG District (determined by geography) and the LEDET conducts a boarding under their civil LE authority. This clearly has parallels to the maritime HLS/HLD mission in the

Approaches layer. Using an interagency JOCC similar to JIATF SOUTH, NORTHCOM and the JFMCC could coordinate the multi-agency assets discussed above to develop and maintain MDA and coordinate interdiction actions, either civil HLS or military HLD, in this approach zone.

- In conjunction with the JOCC recommended above, tracking asset employment, i.e., similar to the “Blue Force Tracker” used by the Joint Forces Land Component Commander (JFLCC) in Operation Iraqi Freedom, and how to contact them along with developing a streamlined protocol for shifting TACON is critical to success in responding to short fuse events. Given the nature of the threat and the potential for devastating harm inherent in a Weapons of Mass Destruction (WMD) attack scenario, the JOCC should have authority to proactively assume TACON of any asset that can interdict the threat. This action would, of course, not be taken lightly and only be appropriate in the direst of circumstances. Without a robust communications network and the ability to assume direct control of available assets, precious time could be lost while working through multiple chains of command. The very nature of a JOCC would ensure balance and fair representation of all interested parties.

Critical Infrastructure Protection (CIP):

Though technically a subset of the Homeland layer, CIP deserves to be broken out as a separate category because of the considerable potential for friction points and overlaps. As defined in the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA Patriot Act), critical infrastructures are “systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on

security, national economic security, national public health or safety or any combination of these matters.”²⁰ They fall into two broad categories, National Critical Infrastructure (NCI)—essential to the functioning of the nation and whose incapacity would have debilitating regional or national impact; and Defense Critical Infrastructure (DCI)—designated capabilities, facilities and systems critical for DOD to execute the national military strategy.²¹ In practical terms for M-HLS/HLD, this means protection of large, waterfront industrial facilities like nuclear power plants, petroleum refining and distribution centers, and military load-out facilities. In addition to the Anti-terrorist/Force Protection (AT/FP) measures already implemented at Navy and Coast Guard facilities and aboard ships in port, protection assets may also augment security forces at waterside military bases.

Private industry owns the vast majority of the NCI facilities, approximately 85 percent,²² and while responsible for their own security, in periods of increased terrorist threat levels, as a matter of course, the USCG provides additional layers of waterborne security as part of a ports overall security plan. When DCI facilities are collocated in a port or NORTHCOM is acting as a supporting command for a National Security Special Event (such as the 2002 Winter Olympics), USCG and other civilian security forces (state and local police primarily) will be patrolling in close proximity to DOD security forces (contract guards or military personnel). This again brings into play the line between HLS and HLD. Rules on the Use of Force (RUF) for DOD security forces in HLS mode are similar to the USCG Use of Force Continuum and other federal, state and local police Use of Force Policies and are flexible enough to take into account the potential for lose of life posed by a suspect person attacking a facility or key piece of infrastructure in the decision process to use deadly force. What is not so well defined is the transition point for applicability of Standing

Rules of Engagement (SROE) within the territorial United States. Use of the SROE within the territorial jurisdiction of the United States is only applicable in the case of “military attack.”²³ What exactly constitutes a “military attack” vice a civil terrorist attack and are military forces patrolling in support of other LFAs prepared to differentiate between the two are critical questions that need to be thoroughly investigated.

Recommendation:

- The JFMCC needs to match capabilities with restraints imposed by the location and develop those forces needed to operate in a port environment. The training of what are basically combat troops to carry out domestic support missions under a civilian LFA is an essential part of learning to operate together. Additionally, the lowest end capability has to be taken into consideration when assigning units a particular task. For example, is assigning a PC-170 as lead escort vessel for an LNG tanker into a restricted, urbanized port such as Boston really a good use of the asset? They are fast and imposing to look at, but other than small arms, the next level weapon to use against an aggressor boat is a 50.cal or 30.mm machine gun, neither of which is really appropriate for a port like Boston even if an aggressor vessel is trying to blow up the tanker. A fast boat with an armed boarding team might actually be a better choice. I believe small boats with armed crews and small mounted weapons, similar to USCG MSST Defender boats or traditional police boats are the best assets to use against other fast, small boat threats in restricted waterways.

Conclusion:

In carrying out the responsibility of defending the Homeland, NORTHCOM must cover a wide spectrum of contingencies over a wide area. The complexity of the maritime

environment poses a special set of challenges found in no other portion of the AOR. The volume of legitimate vessel traffic transiting through American ports on a daily basis is staggering and makes sorting contacts a difficult, but not insurmountable task. Cooperation with the USCG and other federal agencies to develop a fully realized Maritime Domain Awareness will assist in developing a manageable sorting system so detection, monitoring and interdiction efforts can be focused on those vessels that truly pose a threat to the United States.

In order to fully integrate all elements of national power into a cohesive, comprehensive, and agile force to protect the Homeland and provide M-HLS and M-HLD, all governmental and military partners need to have transparency with each other: a robust, real-time interconnectivity of databases, information regarding status and location of forces, connectivity with those forces, and the ability to immediately share information with appropriate levels of government. Admiral Collins, Commandant of the USCG described this goal as, "...a "new jointness" model," and a blending of our maritime military power and maritime civil authority in a collaborative way.²⁴ I believe this can best be attained through a Joint Operations Command Center built upon the JIATF SOUTH model. Many of the growing pains associated with interagency cooperation have already been worked through and the interagency environment has proven it can be effective. This is a good framework on which to build a robust Homeland Security infrastructure.

The layered approach discussed in the Joint Doctrine for Homeland Security builds a defense in depth construct that helps frame the threat. In order to maximize the effectiveness of this construct, it must be meshed with the Maritime Strategy for Homeland Security concept of Layered Maritime Security Operations for Defense in Depth to guard against

needless overlap of effort and to ensure a common nomenclature is developed to reduce confusion at the operational and tactical levels.

Uncoordinated effort is wasteful of limited resources and is susceptible to exploitation by a determined enemy. In developing organizational and information transparency, we must strive to reach a new level of jointness whereby every piece fits seamlessly into the larger Homeland Security framework and maximizes their contribution to this truly joint, interagency, international effort to combat terrorism and keep the American Homeland secure. We must start at home by building a layered defense that is both flexible and strong. NORTHCOM's role in developing and maintaining this domestic defense structure is one of coordinated operations that fuses all the resources of the various departments and agencies into one cohesive effort. Homeland Defense and Homeland Security are two sides of the same coin and NORTHCOM must function in both arenas in order to realize its full potential.

¹ U.S. Coast Guard Maritime Strategy for Homeland Security, December 2002, p.7.

² Report to Congress on The Role of the Department of Defense in Supporting Homeland Security, September 2003, p.1.

³ The National Strategy for Homeland Security, July 2002, p.2.

⁴ Report to Congress on The Role of the Department of Defense in Supporting Homeland Security, September 2003, p.1.

⁵ DOD Homeland Security Joint Operating Concept, October 2003, p, 1. (draft)

⁶ Joint Doctrine for Homeland Security, September 2003, p. II-7. (draft)

⁷ USNORTHCOM Concept of Operations, December 2003, p. 6-16.

⁸ IBID, p. 3-6.

⁹ IBID, p. 3-6.

¹⁰ IBID, p. 3-6.

¹¹ John Mintz & Vernon Loeb. "Coast Guard Fights to Retain Wartime Role". The Washington Post. 31 August 2003.

¹² USNORTHCOM Concept of Operations, December 2003, p. 3-6.

¹³ U.S. Coast Guard Maritime Strategy for Homeland Security. December 2002, p. 12.

¹⁴ IBID, p. 12.

¹⁵ U.S. Coast Guard Maritime Strategy for Homeland Security. December 2002, p. 32.

¹⁶ USNORTHCOM Concept of Operations, December 2003, p. 3-6.

¹⁷ U.S. Coast Guard Maritime Strategy for Homeland Security. December 2002, p. 28.

¹⁸ IBID, p. 12.

¹⁹ Joint Interagency Task Force South Fact Sheet, January 2001.

²⁰ Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA Patriot Act). Statutes at large. 1016 (e) (2001).

²¹ Joint Doctrine for Homeland Security, September 2003, p. GL-9, GL-13. (draft)

²² The National Strategy for The Physical Protection of Critical Infrastructures and Key Assets, February 2003, p. 8.

²³ USNORTHCOM Concept of Operations, December 2003, p. 9-7.

²⁴ ADM Thomas H. Collins, Commandant USCG, "An Address..." (presented at the Naval War College, Newport, RI, 6 January 2004).

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